

SECRET

OGC-0007-61

copy 7 of 7

31 July 1961

MEMORANDUM FOR: Assistant Chief, DPD

SUBJECT : Incidents Involving Sonic Booms

1. This is a preliminary report in response to your request that I advise you as to DPD responsibilities in the event one of our aircraft is responsible for a sonic boom incident which produces a claim for damage to civilian property.

2. The Department of the Navy has recently issued an instruction on steps to be taken by pilots and field commands in investigating and compiling reports on sonic boom incidents and claims, Navy JAG is mailing me a copy of this instruction, which I will disseminate in DPD upon receipt. I understand that the Air Force has not yet issued a comparable instruction and Navy JAG believes that the Navy one, which was prepared in consultation with the Air Force, will establish DOD policy.

3. Sonic boom claims made against the Army, Navy or Air Force are settled under the provisions of 10 U.S. Code 2733, which authorizes the service Secretaries and their respective JAGs to pay up to \$5,000.00 per incident. This statute covers a variety of claims for property loss, personal injury or death incident to noncombat activities of the armed services. Any payments made must be in full settlement of the claim presented, except that if the service Secretary finds a claim meritorious and in excess of \$5,000.00, he is authorized to pay that amount and recommend to the Congress that the payment of the excess be made by special legislation. If full settlement can be accomplished for not more than \$1,000.00, any officer of the armed services may be delegated to make such a settlement on behalf of the Government. It is not necessary, under this statute, that the Government be shown to have been negligent; the claim, if substantiated by proof of damage, and if presented in writing within two years after it accrues, may be paid even in the absence of any negligent act on the part of a Government employee.

OGC Has Reviewed

SECRET

COC-2007-61

Copy 7 of 1

Page 2

4. Mr. Houston and I have discussed the authority of CIA to settle such claims. We assume that the actual settlement of a case would have to be accomplished through the Air Force as a matter of cover or security. We would hope that the Air Force would be willing to fund such a settlement themselves as one aspect of our cooperative program.

[REDACTED] While this is not the limit of our authority we would reserve comment on the settlement of claims in excess of that amount pending analysis of an actual set of facts.

[REDACTED]
Assistant General Counsel, DFD-DD/P

Distribution:

- Cy 1 - Addressee
- 2 - AC/DPD
- 3 - ASB/DPD
- 4 - CH/DB/DPD
- 5 - SO/DPD
- 6 - COC/DPD
- 7 - DFD/RI

DPD/COC, [REDACTED] low

SECRET